REMARKS

Written Consent

The Office Action objects to the application as lacking a clear written consent of all assignees under 37 CFR 1.172. Possibly the previous fax submission was unclear due to a malfunction of applicant's attorney's fax machine or of the receiving fax machine at the Office. In any event, Applicants are submitting herewith a statement under 37 CFR 3.73(b) in compliance with 37 CFR 1.172. With this submission, the requirements of 37 CFR 1.172 have been satisfied, and it is respectfully requested that this objection be withdrawn.

Reissue Oath/Declaration

The Examiner states that he did not find the executed Supplemental Declarations, submitted with at least one of the last two submissions. Applicant's attorney does not know why these documents were not found attached to Amendment F. In any event, the two Declarations previously submitted are re-submitted herewith.

The Examiner objected to the oath/declaration filed with the application because none of the errors which were relied upon to support the reissue were errors upon which a reissue could be based. A new statement of errors and oath/declaration are submitted herewith. The statement of errors is in compliance with the requirements of 37 CFR 1.175(a)(1).

With respect to the Examiner's request for support in the specification for the amendments to the claims, applicant directs the Examiner's attention to the Remarks in previously submitted Amendment F for support for amended and new

3

claims 5, 6, 19, 28, 29 and 31.

With respect to claim 32, the claim recites "...memory means coupled to said control means for storing information for controlling an output signal from said implantable medical device." The recited memory means is described, for instance, as follows:

> "The implanted receiver 14 *receives therapy values*, transmitted by the transmitter 12 via RF signals, which are decoded by decoder 25 and then *stored in a non-volatile memory (EPROM) 27*." (U.S. Pat. No. 5,733,313, hereinafter '313 patent, column 7 lines 44-47, emphasis added.)

The non-volatile memory for storing stimulation values and other data within the implanted receiver is further described as follows:

> "According to still another aspect of the present invention, there is provided a method for *recording into a non-volatile memory contained within the implanted receiver the stimulation values and other critical data*, so that it will not be erased if the back-up power source is depleted and to eliminate the need for the transmitter to generate and regulate, on a real time basis, the delivery of medical therapy." ('313 patent, column 5 lines 21-27, emphasis added.)

This aspect is described again as follows:

> "According to still another aspect of the present invention, a medical physician, nurse or technician is allowed to *program into the implanted medical device*, via the external RF transmitter/recharger unit, *the delivery schedule, values or quantities of the medical therapy* and to set the limit for these schedules, values or quantities within which the patient may safely adjust them later on." ('313 patent, column 6 lines 64-67, emphasis added.)

The EEPROM 27 described in the passages reproduced above is shown in FIGs. 1 and 3-6. These figures shown one embodiment wherein EEPROM 27 is coupled to microcontroller 46, which controls an output delivered to the patient based on therapy parameter values. For example, microcontroller 46 of FIG. 4 is

described as regulating amplitude of stimulation pulses delivered to the human heart as follows:

> "The block diagram for the receiver 14 ... has been modified to incorporate the components required to assemble an implantable, rechargeable cardiac pacemaker system. These components are: 1) a pulse amplitude D/A converter 202 which is used to _regulate, under command of the micro controller 46, the amplitude of the stimulating pulses delivered to the human heart_... ('313 patent, column 11 lines 16-21.)
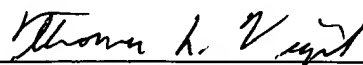
In another embodiment, microcontroller controls an output of a pump 108 that delivers a drug portion to the patient, as shown in FIG. 3 and described in column 10 lines 59-67.

In view of the foregoing, it is submitted that the aforementioned example passages clearly describe the memory means coupled to said control means for storing information for controlling an output signal from said implantable medical device, as set forth in Claim 32.

With respect to Claim 34, this Claim recites memory means coupled to second control means for storing information for controlling an output signal from said implantable medical device.   This Claim, like Claim 32, is clearly supported by the example passages set forth above with respect to Claim 32.   Therefore, the objection involving failure to identify support for the subject matter of Claims 32 and 34 should be withdrawn.

An earnest endeavor has been made to place this application in condition for allowance and an early and favorable action to that end is requested.

Respectfully submitted,

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5

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6